

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed July 10, 2008 and the Non-Complaint Amendment mailed February 3, 2009. At the time of the Office Action, Claims 15-28 were pending in this Application. Claims 15-28 were rejected and Claim 27 was objected to. Claims 15, 20, 25, and 27 have been amended. Applicants respectfully request reconsideration and favorable action in this case.

Notice of Non-Compliant Amendment

A Non-Complaint Amendment mailed February 3, 2009 indicated that certain language previously recited in Claims 15, 20, 25, and 27 was missing from the claims presented in Applicants' November 10, 2008 Response to Office Action. Applicants have identified the mistake and have re-included the missing language in Claims 15, 20, 25, and 27 presented above (without indicating such language as added by amendment).

Claim Objections

Claim 27 was objected due to the recitation of certain phrases, which the Examiner recommended be replaced with alternative language. Applicants have amended Claim 27 accordingly.

Rejections under 35 U.S.C. § 101

Claims 25-28 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully disagrees. The claims do not exclude any type of hardware solution, such as custom designed ASICs, etc. Hence, the claims are not drafted to be exclusively directed to software solutions. However, to further prosecution, Applicant amended Claims 25 and 27.

Rejections under 35 U.S.C. § 112

Claims 15 and 20 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend Claims 15 and 20 to overcome these rejections and respectfully request full allowance of Claims 15 and 20 as amended.

Rejections under 35 U.S.C. §103

Claims 15, 19-20 and 24-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over French Patent Application Publication No. 2813743 by Claude Seyrat et al. (“*Seyrat*”) in view “Text of ISO/EIC FCD 15938-1 Information Technology - Multimedia Content Description Interface - Part 1 Systems,” by Claude Seyrat et al. (“*ISO*”).

Claims 16 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Seyrat* in view of *ISO* as applied to Claim 15 and 20 above, and further in view of “Canonical XML Form for Post-Schema-Validation Infosets: A Preliminary Reconnaissance,” by C.M. Sperberg-McQueen (“*Sperberg-McQueen*”).

Claims 17-18 and 22-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Seyrat* in view of *ISO* as applied to Claims 15 and 20 above, and further in view of “Millau: An Encoding Format for Efficient Representation and Exchange of XML Over the Web,” by Marc Girodot et al. (“*Girodot*”).

Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on *ex post* reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog*

Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc., 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Independent Claim 15 includes the limitation “*b) encoding the normalized XML schema to an encoded XML schema using a metaschema;*” (emphasis added)

The Examiner stated that *Seyrat* discloses this step on page 3, lines 10-13. Applicant respectfully disagrees.

The cited paragraph of *Seyrat* states:

compiling the normalized structure schema to obtain one finite automaton per root element, each automaton including states interconnected by transitions respectively representing the structure elements, and

Seyrat, page 3, lines 10-13; *see also* US Patent Application 20040013307, page 1, paragraph [0013]. Thus, *Seyrat* merely states that the normalized structure schema is compiled. However, *Seyrat* does not disclose to encode the normalized schema using a metaschema.

The present specification explains the function of the metaschema, for example, on page 4- 5, paragraphs [0015]-[0016]. According to the independent claims, a metaschema is a known schema which can be used for converting a document into an “XML document.” Thus, according to limitation b) of the independent claims, the normalized XML schema itself is encoded into an “XML document” by the metaschema. Hence, the actual document is encoded by the normalized XML schema whereas the normalized XML schema itself is encoded by the metaschema. Thus, basically two XML type documents are transmitted.

Seyrat merely discloses to use a normalized schema, but does not disclose to convert/encode this normalized schema into an XML document as claimed. According to *Seyrat*, the XML schema is transmitted with the document but is never converted to an XML document. *See, e.g.* US20040013307, page 2, paragraph [0019]. *Seyrat* discloses to compile the normalized schema. *See, e.g.* US20040013307, page 1, paragraph [0013]. However, this step merely states that through this compilation process, one finite automaton is obtained per root element. Thus, *Seyrat* clearly does not disclose to encode a normalized schema into an XML document using a metaschema. Hence, *Seyrat* at least fails to disclose limitation b) of independent claims 15, 20, 25, and 27.

Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

PTO Form 892

Applicants would like to bring to the Examiner's attention that certain claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable in view of "Canonical XML Form for Post-Schema-Validation Infosets: A Preliminary Reconnaissance," by C.M. Sperberg-McQueen, however, this reference has not been identified on a PTO-Form 892, nor was it a reference submitted by Applicants on a PTO-Form 1449. Applicants respectfully request that "Canonical XML Form for Post-Schema-Validation Infosets: A Preliminary Reconnaissance," by C.M. Sperberg-McQueen be listed on a PTO-Form 892 in the next action.

Association of Customer Number and Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **86528**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **86528**. All telephone calls should be directed to Eric M. Grabski. at 512.457.2030. A Revocation and Power of Attorney will be filed shortly.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants respectfully submits a Petition for Three-Month Extension of Time. The Commissioner is authorized to charge the fee of \$1100.00 required to Deposit Account 50-4871 in order to effectuate this filing.

Applicants believe there are no other fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,
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EMG

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Date: June 3, 2009

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